

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**Michael Robert Barker,**

**Plaintiff,**

**vs.**

**UTAH STATE OFFICE OF  
EDUCATION et al.,**

**Defendants.**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

**Case No. 2:04CV518 DAK**

---

On June 22, 2004, this case was referred to the Magistrate Judge under 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge issued a Report and Recommendation on August 26, 2005, recommending that the Washington County Defendants' Motion to Dismiss be granted and that the Complaint be dismissed as to all Defendants pursuant to 28 U.S.C. § 1915(e)(2)(B).

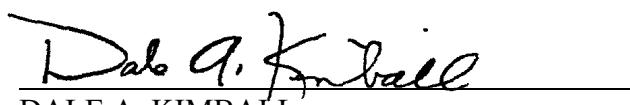
Plaintiff has not filed an objection to the Report and Recommendation, and the time for doing so has elapsed.

Having reviewed the file in its entirety, the court hereby APPROVES and ADOPTS the Magistrate Judge's thorough and well-reasoned Report and Recommendation. The Washington County Defendants' Motion to Dismiss [docket # 18] is GRANTED, and the Complaint is DISMISSED as to all Defendants. The federal claims are DISMISSED with prejudice, and to the

extent Plaintiff has alleged any state claims, they are DISMISSED without prejudice. Plaintiff's Motion to Amend and Motion to Strike [docket # 22] are DENIED.

DATED this 21<sup>st</sup> day of September, 2005.

BY THE COURT:

  
\_\_\_\_\_  
DALE A. KIMBALL  
United States District Judge